



DEPARTMENT OF COMMERCE

International Trade Administration

[A-791-827]

Certain Lemon Juice from the Republic of South Africa: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain lemon juice (lemon juice) from the Republic of South Africa (South Africa) is being, or is likely to be, sold in the United States at less than fair value (LTFV).

DATES: Applicable [Insert date of publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: Elizabeth Bremer or Zachary Shaykin,
AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade
Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington,
DC 20230; telephone: (202) 482-4987 or (202) 482-2638, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 4, 2022, Commerce published the *Preliminary Determination*.¹ On September 15, 2022, Commerce postponed the final determination of this investigation.² A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.³

¹ See *Certain Lemon Juice From the Republic of South Africa: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 87 FR 47707 (August 4, 2022) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

² See *Certain Lemon Juice From the Republic of South Africa: Postponement of Final Determination and Extension of Provisional Measures*, 87 FR 56631 (September 15, 2022).

³ See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Lemon Juice From the Republic of South Africa,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum)

Period of Investigation

The period of investigation is October 1, 2020, through September 30, 2021.

Scope of the Investigation

The products covered by this investigation are certain lemon juice from South Africa. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

No interested party commented on the scope of the investigation as it appeared in the *Preliminary Determination*. Therefore, no changes were made to the scope of the investigation.

Analysis of Comments Received

All issues raised in the case briefs and rebuttal briefs submitted by interested parties in this proceeding are discussed in the Issues and Decision Memorandum. A list of the issues raised by parties and responded to by Commerce in the Issues and Decision Memorandum is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is available electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Verification

Commerce conducted verification of the information relied upon in making its final determination in this investigation with respect to Cape Fruit Processors (Pty) Ltd. (Cape Fruit), in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).⁴ Specifically, Commerce conducted on-site verifications of the home market sales, U.S. sales, and cost of

⁴ See Memoranda, "Verification of the Sales Questionnaire Responses of Cape Fruit Processors (Pty) Ltd. in the Antidumping Duty Investigation of Certain Lemon Juice from the Republic of South Africa," dated October 4, 2022; and "Verification of the Cost Responses of Cape Fruit Processors (Pty) Ltd. in the Antidumping Duty Investigation of Lemon Juice from the Republic of South Africa," dated October 5, 2022.

production responses submitted by Cape Fruit.

Changes Since the *Preliminary Determination*

Based on our analysis of the comments received and additional information obtained since our preliminary findings, we made certain changes to the margin calculation for Cape Fruit and certain changes to the rate for Granor Passi (Pty) Ltd. (Granor Passi) after the *Preliminary Determination*. For a discussion of these changes, *see* the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for individually investigated exporters and producers, excluding any margins that are zero or de minimis or any margins determined entirely under section 776 of the Act.

In this investigation, Commerce assigned a rate based entirely on facts available to Granor Passi. Therefore, the only rate that is not zero, *de minimis*, or based entirely on facts otherwise available is the rate calculated for Cape Fruit. Consequently, the rate calculated for Cape Fruit is also assigned as the rate for all other producers and exporters.

Final Determination

The estimated weighted-average dumping margins are as follows:

Exporter/Producer	Weighted-Average Dumping Margin (percent)
Cape Fruit Processors (Pty) Ltd.	47.89
Granor Passi (Pty) Ltd.	73.69*
All Others	47.89

*Based on total facts available with adverse inferences (AFA). For a full description of the methodology underlying our conclusions regarding the application of AFA, *see* the Issues and Decision Memorandum.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue the suspension of liquidation of all appropriate entries of subject merchandise, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after August 4, 2022, the date of publication of the *Preliminary Determination* in this investigation in the *Federal Register*.

Pursuant to section 735(c)(1)(B)(ii) of the Act, we will instruct CBP to require a cash deposit equal to the estimated amount by which the normal value exceeds the U.S. price in this final determination, as follows: (1) the cash deposit rate for each of the respondents listed in the table above is the company-specific cash deposit rate listed for the respondent in the table; (2) if the exporter is not a respondent listed in the table above, but the producer is, then the cash deposit rate is the company-specific cash deposit rate listed for the producer of the subject merchandise in the table above; and (3) the cash deposit rate for all other producers and exporters is the all-others cash deposit rate listed in the table above. These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, no later than 45 days after our final determination. If the ITC determines that material injury or threat of

material injury does not exist, the proceeding will be terminated, and all cash deposits will be refunded. If the ITC determines that material injury or threat of material injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Administrative Protective Order

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: December 19, 2022.

Lisa W. Wang,
Assistant Secretary
for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The product covered by this investigation is certain lemon juice. Lemon juice is covered: (1) with or without addition of preservatives, sugar, or other sweeteners; (2) regardless of the GPL (grams per liter of citric acid) level of concentration, brix level, brix/acid ratio, pulp content, clarity; (3) regardless of the grade, horticulture method (*e.g.*, organic or not), processed form (*e.g.*, frozen or not-from-concentrate), the size of the container in which packed, or the method of packing; and (4) regardless of the U.S. Department of Agriculture Food and Drug Administration (FDA) standard of identity (as defined under 19 CFR 146.114 et seq.) (*i.e.*, whether or not the lemon juice meets an FDA standard of identity).

Excluded from the scope are: (1) lemon juice at any level of concentration packed in retail-sized containers ready for sale to consumers; and (2) beverage products, such as lemonade, that contain 20 percent or less lemon juice as an ingredient by actual volume. “Retail-sized containers” are defined as lemon juice products sold in ready-for-sale packaging (*e.g.*, clearly visible branding, nutritional facts listed, *etc.*) containing up to 128 ounces of lemon juice by actual volume.

The scope also includes certain lemon juice that is blended with certain lemon juice from sources not subject to this investigation. Only the subject lemon juice component of such blended merchandise is covered by the scope of this investigation. Blended lemon juice is defined as certain lemon juice with two distinct component parts of differing country(s) of origin mixed together to form certain lemon juice where the component parts are no longer individually distinguishable.

The product subject to this investigation is currently classifiable under subheadings 2009.31.4000, 2009.31.6020, 2009.31.6040, 2009.39.6020, and 2009.39.6040 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Changes Since the *Preliminary Determination*
- V. Discussion of the Issues
 - Comment 1: Whether to Apply Total Adverse Facts Available (AFA) to Cape Fruit Processors
 - Comment 2: Whether to Continue to Apply Total AFA to Granor Passi
- VI. Recommendation

[FR Doc. 2022-28012 Filed: 12/22/2022 8:45 am; Publication Date: 12/23/2022]